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UNCLAS SECTION 01 OF 02 ABUJA 002225

SIPDIS

SENSITIVE

FROM AMBASSADOR JETER
ACCRA FOR INS
ROME FOR INS DISTRICT DIRECTOR, GREGORY SMITH
DAKAR FOR FAA
DOT FOR KEVIN SAMPLE

E.O. 12958: N/A
TAGS: [FAIR](#) [CVIS](#) [KFRD](#) [SMIG](#) [SNAR](#) [NI](#)
SUBJECT: NIGERIA: MISSION VIEWS REGARDING INS ASSISTANCE
FOR DIRECT FLIGHT TO NEW YORK

REF: A. CUNDIFF/COHEN EMAIL 8/23/01

- [B](#). LAGOS 01862
- [C](#). ABUJA 02031
- [D](#). LAGOS 01844

Sensitive but Unclassified, please protect accordingly.

[1](#). (U) I want to take this opportunity to re-emphasize the Mission's support for a Memorandum of Understanding (MOU) with the GON, which would establish guidelines and a legal basis for a USG presence at Murtala Muhammed International Airport (MMIA). At the same time, I also want to encourage INS support for an airport-based Special Anti-Fraud Unit within the Nigerian Immigration Service.

[2](#). (SBU) In an e-mail exchange between State and INS Headquarters (Ref A), INS indicated that it would prefer to provide assistance to South African Airways, Nigeria Airways, and the GON without a MOU. I would like to stress again that the Mission strongly believes that it is in the USG interest to have such an agreement with the GON. This agreement would provide the written, formal concurrence of the Nigerian government, justifying the noticeable USG presence at MMIA and providing guidelines and a legal foundation for its activities. Without such an agreement, the USG could potentially face public criticism fueled by the complaints of passengers subsequently denied boarding. By having the GON on our side, with the backing of a written agreement, the Mission and INS TDYers are much better protected against these potential problems.

[3](#). (SBU) We agree that INS officers conducting passenger screening at MMIA should operate in a consultative role as much as possible. However, passengers denied boarding know very well that it was a USG official who had advised the airline to do so. Also, INS has indicated that for their officers to operate they must have the right to confiscate fraudulent U.S. documents. We agree, and these issues are addressed in the proposed MOU (Reftel B).

[4](#). (SBU) I greatly appreciate the INS assistance received so far--the timely visit of INS District Director Gregory Smith was particularly helpful--and the INS offer of continued TDY support. The problems associated with the direct flight have the attention of the GON at its highest level, and the GON welcomes any assistance that we can provide. However, we must have something in writing, signed by the GON, that allows us to carry out such activity. This will provide us with the legal and political cover for our role and activities.

[5](#). (SBU) I also understand that during Washington discussions it was suggested that the USG ask the GON to form a "joint task force" to combat the problem of malafide passengers. The proposed joint task force would bring together the Nigerian Immigration Service and Nigerian Police to arrest and prosecute passengers presenting fraudulent documents. This proposal causes us some concern. In practice, the joint task force concept is difficult to implement in Nigeria due to a real lack of coordination (and at times cooperation) among agencies. In October last year, we tried a similar proposal with the Nigerian Drug Law Enforcement Agency (NDLEA) and the Nigerian Customs Service based on the U.S. joint task force model. We learned that interagency cooperation does not work as well as we would like in Nigeria.

16. (SBU) We fear similar problems would be experienced with an Immigration/Nigerian Police joint task force proposal. The lack of fraudulent document prosecution is not just a lack of attention by the Nigerian Police; in fact, it also is a larger question of the overall professionalism of the police and the efficiency and transparency of the judicial system. Both of these issues are now being addressed by the Mission on other, higher-level fronts, and through assistance programs to help revive a greatly diminished national judicial system.

17. (SBU) However, we strongly support the idea of an airport-based, Special Anti-fraud Unit within the Nigerian Immigration Service (Reftel C). Such a dedicated effort can potentially produce noticeable and significant results, and one aspect of this can be to work with Nigerian Immigration to see what steps can be taken to facilitate prosecutions in the short-term. Effective prosecution would be reinforced by President Obasanjo's proposal to establish an airport Magistrate's Court (Reftel C). The broader issues of police and judicial reform, and interagency cooperation will be more appropriately addressed within the context of the proposed Bilateral Law Enforcement Commission (Reftel D).

18. (SBU) I am concerned that while the USG is evaluating these broad issues and seeking long-term solutions, malafide passengers continue to arrive on the South African Airways/Nigeria Airways direct flight to New York. This not only has a direct impact upon the U.S. port-of-entry, but also upon the viability of the direct flight and our bilateral relationship with the GON. We must resolve these issues quickly and effectively with a MOU and the presence of an INS officer(s) who can assist the GON in forming the proposed Anti-fraud Unit.

19. (SBU) UPDATE: On September 1, a 30 day TDY INS officer arrived at Post to provide assistance to the airlines and the GON in combating the malafide passenger problem. We understand that another TDY officer has been identified to follow. I greatly appreciate INS assistance in providing this presence, but also feel it is now even more urgent that we sign a formal agreement, i.e.- the MOU, with the GON for the reasons outlined above. Your support for these initiatives is greatly appreciated.
Andrews